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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,899	04/26/2000	Masahiko Sato	450100-02464	1579
20999	7590	03/09/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ONUAKU, CHRISTOPHER O	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 03/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,899

Applicant(s)

SATO, MASAHIKO

Examiner

Christopher O. Onuaku

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004 and 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/6/04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim1-10&12-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1,5-8,12&13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiga et al (US 6,005,562) in view of Henmi et al (US 5,390,027).

Regarding claim 1, Shiga et al disclose techniques for transmitting and receiving electronic program guide (EPG) data, including a technique which permits a user to view, readily understand and select a desired one of several programs, such as television programs, that presently are being transmitted and that will be transmitted to the user's receiving apparatus, comprising;

a) a tuner section for receiving a broadcast program containing broadcast program information (see Fig.23, tuner 21, col.17, lines 1-15);

b) an EPG decoder section for decoding the received broadcast program information to output the EPG data, which includes a broadcast program start time (see Fig.1&20; receiver/decoder 2 which receives and decodes multiplexed program and EPG data transmitted by the apparatus of Fig.1; col.15, lines 46-65 and Fig.7,8&9; col.9, line 6 to col.10, line 47);

c) a controller configured to extract recording management information from the decoded EPG data (see Fig.23; CPU 29; col.17, line 1 to col.18, line 55);

d) wherein the controller compares the current time with the broadcast program start time, outputs a match signal in response to substantial coincidence of time between the current time and the broadcast program start time, and a recording section for recording the broadcast program using the recording management information (see VCR and col.18, line 56 to col.19, line 20), here examiner reads the VCR as the claimed recording section.

Shiga et al fail to explicitly disclose wherein the controller enters a new broadcast program into the recording management information when match signal is output so that the new broadcast program can be entered into the recording management information even when the controller is already managing recording of the current broadcast program.

Henmi et al teach a television program recording and reproducing system for recording a television program on a magnetic tape based on television program data from a text broadcast signal, wherein in recording scheduled program(s), when the first recording time arrived as stored in memory 124, the recording operation control means 102, operates the recording/reproducing section 113 to record the first inputted program. In this case, the index information indicating the recording start position in the tape is also written by the automatic index write-in means 103 in the second memory area in memory 124. Once the first program recording starts, the recording time information, including the channel number, date, recording start time, recording end time, and the program title as stored in the first area in memory 124 is shifted to, or marked as, the second memory area in memory 124. This shifting may be done at the beginning, ending or therebetween of the recording of the first program. Then, when the recording of the first program ends, the auto index write-in means 103, writes in the second memory area in memory 124 the index information indicating the recording end position of the first program in the tape (see Fig.6; col.12, lines 3-66).

It would have been obvious to enter a new broadcast program into the recording management information when match signal is output so that the new broadcast

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program can be entered into the recording management information even when the controller is already managing recording of the current broadcast program, as taught by Henmi et al, in order to update the newly recorded program, thereby keeping the management information current.

to enter a new broadcast program into a recording management information after a desired program timing is determined in order to initiate a recording function, since this provides the desirable advantage of updating the management information in order to keep the management information current.

Regarding claims 5&6, Shiga discloses wherein the EPG data includes a broadcasting station name and a title of the broadcast program (see Fig.8; col.9, lines 30-61).

Regarding claim 7, Shiga discloses wherein the EPG data includes text data edited to include a correlation between the broadcast program start time and the title of the broadcast program (see Fig. 7, col.9, lines 6-30).

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 1 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 1 above, including the claimed computer which includes the computer program (see col.18, lines 31-55).

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 1 above.

5. Claims 2&9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiga et al in view of Henmi et al and further in view of Contolini et al (US 6,643,620)

Regarding claim 2, Shiga and Henmi et al fail to explicitly disclose wherein the EPG decoder section can directly receive broadcast information from the Internet.

Contolini et al teach a voice controlled system for recording and retrieving audio/video programs, including a voice controlled multimedia system for receiving and processing spoken requests against a multimedia database comprising electronic programming guide information for recording and retrieving the audio/video programs, wherein EPG information can also be downloaded via a telecommunication line from an internet based service provider.

It would have been obvious to further modify Shiga by realizing Shiga with the means to download EPG information via a telecommunication line from an internet based service provider, as taught, since this provides the desirable advantage of accessing EPG information through internet, as an alternative EPG information access medium.

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 2 above.

6. Claims 3,4&10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiga et al in view of Henmi et al and further in view of Yuen et al (US 6,608,963).

Shiga and Henmi et al fail to explicitly disclose a timing source operates to supply the current time to the controller. Yuen et al teach a video tape indexing system in which program broadcast identification information is entered into the system for use in recording the program comprising microprocessor 20 which includes a real time clock which is internal to the microprocessor 20, and wherein the time component of channel, date, time and length (CDTL) information is compared with the output of the real time clock (see Fig.1, microprocessor 20; col.1, line 58 to col.2, line 18 and col.2, line 62 to col.3, line 49). It would have been obvious to further modify Shiga by realizing Shiga with a current time source as taught by Yuen, in order to provide a real time source for comparing scheduled time with real time during timed recording, for example.

Regarding claim 4, Contilini further teaches wherein the EPG data includes a receiving channel (see col.9, lines 8-33).

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 3 above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on 8:30-6:00 except 2nd Fri : 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Acting supervisor, Thai Tran, can be reached on (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


COO

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